IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CIVIL APPLICATION NO. 1482 OF 2006

IN

FIRST APPEAL NO. 2251 OF 2005

Smt. Sitabai Sadashiv Joshi ... Applicant

Versus

Shri Sharad sadashiv Joshi & Anr. Respondents

Mr. G.H.Keluskar for the Applicant.

Mr. Abhishek PUngalia for Respondent.

CORAM: S.K.SHAH,J.

DATE : 17th April, 2007.

P.C.

1. Heard Counsel on both sides.

2. This is an Application restraining Respondent No.2 from demolishing any building and from making any construction in the suit property. The Respondent has filed reply. In the reply, it is specifically mentioned that the demolition of the building is complete and partial construction is also complete and the flats and shops are sold.

3. Under the circumstances, the Application has become infructuous. Even otherwise, according to the

applicant, she has half share in the property. The Applicant-plaintiff has lost in the trial Court. If the construction is removed, loss will be caused to the Respondent.

Under the circumstances, the Application deserves to be dismissed.

(S.K.SHAH,J.)